

UNITED STATES, 1st District Court
Eastern District of New York (Bklyn)

ORIGINAL

William Escakena, Jr. (B.C. # 349151/1126)

CV 17- 4787

PETITIONER.

MAUSKOPF, J.

Complaint

under THE CIVIL RIGHTS ACT,
42 U.S.C § 1983
(prisoner Complaint)

Jury Trial NO
 check ONE

Claim # 2014PD014993
Def # 14-A-2496
NYSD # 6334298H

- AGAINST -

Dept. of Corrections Rikers Is. RDC-74
C.O. LORENZAN # 5303, AND THE CITY OF
NEW YORK, ET AL.

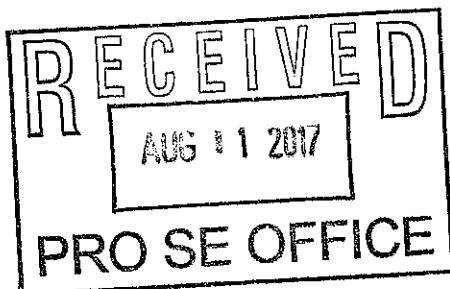
Defendant(s)

(I.) Parties in This Complaint

(A.)

"Plaintiff" NAME William Escakena Jr.
ID# 14-A-2496

CURRENT institution Downstate Correctional Facility
Address 121 RED Schoolhouse Road P.O. BOX F
FISHKILL NEW YORK 12524-0446



(B.)

"Defendant No. 1" NAME Correctional Officer LORENZAN (HEID) # 5303.
WHERE Currently EMPLOYED Rikers N.Y. AVENUE COMPLEX
(R.N.D.C.) 44-11-11 HAZEN STREET EAST ELMHURST
NEW YORK 11340. (RIKERS ISLAND)

(1.)

"Defendant No. 2" NAME Department of Corrections
WHERE CURRENTLY EMPLOYED THE Bldg is NOT THE DEFENDANT(S)
ADDRESS (P.D.C) RONAN W. DAVEREN COMPLEX- Y4 11-11 HAZEN
STREET, E. ELMHURST, NEW YORK 11370.

"Defendant No. 3" NAME THE CITY OF NEW YORK
WHERE CURRENTLY EMPLOYED -----
ADDRESS -----

II. STATEMENT OF CLAIM

(A.) IN WHAT INSTITUTION DID THE EVENTS GIVING RISE TO YOUR CLAIM(S) OCCUR?
(R.N.D.C) RONAN W. DAVERN COMPLEX- Y4 "Housing unit of Central North
11-11 HAZEN STREET, E. ELMHURST, NEW YORK 11370

(B.) WHERE IN THE INSTITUTION DID THE EVENTS GIVING RISE TO YOUR CLAIM(S)
OCCUR? IT IS MENTIONED IN PARAGRAPH A. UP ABOVE!

(C.) WHAT DATE AND APPROXIMATE TIME DID THE EVENTS GIVING RISE TO YOUR
CLAIM(S) OCCUR? ON THE 6TH DAY OF MAY 2014 AT APPROX. 5:30 AM.

(2.)

(B) FACTS: I WAS ASSIGNED Housing detail work (pantry) who hands AND SERVE food (meals) IN THE Housing unit KITCHEN. I WAS GIVEN THIS ASSIGNMENT Through Housing officer which must be APPROVED Through Dept. of PROGRAM Services C.O. Dent. in order to be allowed AND ASSIGNED TO A work detail AREA. THE messhall had NOT delivered enough BANANAS TO SERVE THE Housing unit WHICH CONSISTED OF 24 inmates. There was ONLY (15). I reported THIS TO THE OFFICER IN Control station AND TO THE Housing inmates. I WAS INSTRUCTED TO SERVE THE breakfast (chow) MEAL, WHICH CONSISTED OF bread, MILK, COLD CEREAL (WHEATIES), JELLY, SUGAR AND BUTTER. WHILE THE Housing UNIT OFFICER CALLED FOR MORE SUPPLIES (BANANAS) INMATE, TERRY BOOKER B&C# 349161-0146, CAME TO THE WINDOW IN A DEROGATIVE AND BOISTEROUS MANNER SCREAMING PROFANITIES OF NOT RECEIVING A BANANA, CALLING ME OUT OF CHARACTER, FAGGOT, HOMOSEXUAL, AND MOTHER FUCKERS, I WENT OVER TO THE SOUTH SIDE OF (PANTRY) AND WAS GIVEN (2 BANANAS) IN ORDER TO GIVE THIS INMATE. HE TOOK THE TORY ALONG WITH THE BANANAS AND FOOD, TOSSED THEM INTO THE TRASH, CONTINUING TO CALL ME NAMES. WHEN I HAD COMPLETED SERVING BREAKFAST, AND BEGAN GIVING OUT EXTRA'S OR WHAT WAS LEFT, THE INMATE CAME AT ME WITH A CHAIR TO STRIKE ME. IN ORDER OF DEFENSE, THE INMATE AND I BEGAN FIGHTING. C.O. LORENZAN WAS NOT ON THE FLOOR DURING THIS ATTACK. THAT IS WHEN I VIGOROUSLY SPRAYED WITH CHEMICAL TOXICS TO FACIAL AREA, BURNING MY EYES, STINGING MY EARS AND NOSE, ALL IN MY HAIR (pony tail) I WAS HANDCUFFED IN A EXCESSIVE USE OF FORCE, SWELLING MY LEFT HAND. I WAS TAKEN TO INTAKE AREA.

(III.) INJURIES

IF YOU SUSTAINED INJURIES TO THE EVENTS ALLEGED ABOVE DESCRIBE THEM AND STATE WHAT MEDICAL TREATMENT IF ANY YOU REQUIRED AND RECEIVED. I WAS TAKEN TO THE CLINIC AFTER BEING IN INTAKE FOR A FEW HOURS, THE DOCTOR AZAD NAZAR MD, LEFT ME SITTING IN THE CHAIR WITHOUT EXAMINE, THEN RAN OFF LEFT ME WHERE I WAS, SITTING TO PULL HIS STRETCHER, BED FOR ANOTHER PRISONER IN A DIFFERENT LOCATION, INJURY REPORT # 32441, THEN ON THE 8TH DAY OF MAY 2014 I REPORTED BACK TO MEDICAL SICK-CALL AFTER SUBMITTING A SICK CALL REQUEST FORM, I WAS THEN SEEN BY DOCTOR.

Benjamin Otho, M.D., whom had seen to my medical disabilities and injuries of irritation of the eyes and swelling of my left hand also my eczema, skin irritation, flare up. A referral was submitted for X-rays due to swelling of left hand. I was given medication due to my injuries not this incident was labeled as EXCESSIVE USE OF force. (SEE MEDICAL records!).

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1994(e)(a) requires that "(n)o action shall be brought with respect to prison conditions under section 1983 of this title or any other Federal law by a prisoner confined in any jail, prison or other correctional facility until such administrative remedies as are available and exhausted." Administrative remedies are also known as grievances procedures.

(A.) Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility? Yes No

If yes, NAME THE JAIL, OR OTHER CORRECTIONAL FACILITY WHERE YOU WERE CONFINED AT THE TIME OF THE EVENTS GIVING RISE TO YOUR CLAIM(S)
 (RDC)- ROYAL N. JAVON COMPLEX- 44, 11-11 HAZED STREET E. ELMHurst - NEW YORK 11340

(B.) Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure? Yes No Do not know

(C.) Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)? Yes No Do not know

If yes, which claim(s) Deliberate Indifference To Medical procedure conducted on 5/6/14, by Dr. AZAD NAZAR M.D.

(D.) Did you file a grievance in the jail, prison or other correctional facility where your claim(s) arose

YES NO

(4.)

(E.) If you did file a grievance about the events described in this complaint, where did you file the grievance? (RvDc) Ronald N. DAVEREN
Complex 744, 11-11 HAZEN STREET, E. Elmhurst NEW York, 11340

(1.) Which claim(s) in the Complaint did you grieve? Violation of my Eighth Amendment rights prohibition under the Act of Cruel and Unusual punishment and indifference, Deliberately to Medical.

(2.) What was the result if any? It was labeled as EXCESSIVE USE OF force!

(3.) What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process? There was no need to take any further in the grievance process.

(F.) If you did NOT file a grievance

(1) Grievance was filed as explained in paragraph (E.)

(2) 1, 2, and 3.

(3).

(G.) Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I filed a damage, lost, stolen, and injury claim to the City of New York Comptroller and I also filed a Civilian Complaint Review Board, # 201403664.

NOTE: You may attach as exhibits to this Complaint any documents related to the exhaustion of your administrative remedies.

(H.) RELIEF:

STATE what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount.)

(On the 14th day of May, 2014 I suffered greatly throughout my ordeal of Court to and from each month having the staff, employees, and officers to give us our personal property to wear instead of those

(5.)

True. The Garbers were been subjected to wear, on the 17th day of May, 2014, my shoes, black, Bell and personal clothing were missing, STOLEN, or damaged, NOT TO ONLY ENDURE THE PAIN AND SUFFERING I HAD GONE THROUGH WITH A SITUATION THAT WAS NO FAULT OF MY OWN BUT CAUSED BY THE DEFENDANTS ON THE 6TH DAY OF MAY 2014, I SEEK THE AMOUNT IN MONETARY COMPENSATION \$ 50,000 FROM THIS COURT.

(VI.) Previous Lawsuit:

(A.) HAVE YOU FILED OTHER LAWSUIT IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? yes No

(B.) IF YOUR ANSWER IS YES TO QUESTION A DESCRIBE EACH LAWSUIT BY ANSWERING QUESTIONS 1 THROUGH 7 BELOW.

(1.) PARTIES TO THE PREVIOUS LAWSUIT

Plaintiff William Eschakera Jr. (B & C# 3491514126)

Defendants CAPT. CRUZ, C.O. AZIZ, DEPT. OF CORRECTIONS AND THE CITY OF NEW YORK ET AL...

(2.) COURT (IF FEDERAL COURT, NAME THE DISTRICT; IF STATE COURT, NAME THE COUNTY). UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

(3.) DOCKET OR INDEX NUMBER 16-CV-6453 (RRM)(CLP).

(4.) NAME OF JUDGE ASSIGNED TO YOUR CASE HON. JUSTICE CHERYL L. POLLAK

(5.) APPROXIMATE DATE OF FILING LAWSUIT 12/05/2016

(6.) IS THIS CASE STILL PENDING? yes No

(7.) THERE hasn't been ANY decision rendered in THAT ENTITLE ACTION.

(C) Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment? Yes - No -

(D.) → Parties to the previous lawsuit:

Plaintiff William Escalera Jr. IND# 5111-15

Defendants) Samaritan Village Men's Shelter (DHS) Dept. of Homeless Services
ET, Ph...

(2.) Court (if federal court, name the district; if state court the county)
UNITED STATES District Court SOUTHERN DISTRICT OF NEW YORK

(3.) Docket or Index Number 16-CV-6501(RRM) 17-CV-4691(CM)

(4.) Name of judge assigned to your case Hon. Justice COLLEEN McMAHON
Chief United States District Judge.

(5.) Approximate date of filing lawsuit. Not Sure

(6.) Is the case still pending? Upon Appeal...

(7.) What was the result of the case, case is being appealed.

Sign: William Escalera Jr
Date: 8/4/17
Deputy Clerk Case: 17A2796

(6.)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK (Bklyn).
William Escalera Jr. (B&C# 3491514126)

Petitioner.

- AGAINST -

Dept. of Corrections, Rikers Island (RDc).
County U. Javoren Complex- 74 C.O. Lorenzaw
#5303, and the City of New York et al.,

Defendant(s)

Clerk of the Court:

Claim# 2017PD014993

DIV# 17-A-2796

NYSID# [REDACTED]

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

* AUG 11 2017 *

BROOKLYN OFFICE

I am the petitioner mentioned in the above entitled action. I am no longer detained at the (RDc) County U. Javoren Complex- 74 Rikers Island. I am detained by the state of New York Dept. of Correctional Services (DCS) Community Supv. As of the 7th day of July 2014 Downstate Correction Facility 121 Pei Schoolhouse Rd- Box. P.O. #446. Fishkill New York 12524-0446.
On the 27th day of July 2014 I submitted legal paper work in this entitled action what I had not submitted was a complaint under the Civil Rights Act 42 U.S.C § 1983. Because I am without funds or little money to help me with postage, legal supplies to forward mail. I've been discovering great difficulty. A disbursement was mailed out in the facility only to discover when I received the pink slip it was not mailed out of the facility until the 28th day of July 2014. I had not received this information until the 3rd day of August, 2014 Enclosed is the Civil Rights Act 42 U.S.C § 1983 Complaint. Date: 8/7/14

Sincerely yours,
William Escalera Jr.
17-A-2796